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In re Application of	:	
DAVIES, et al.	:	
PCT No.: PCT/GB03/05556	:	DECISION ON PETITION
Application No.: 10/539,487	:	
Int. Filing Date: 18 December 2003	:	UNDER 37 CFR 1.47(a)
Priority Date: 18 December 2002	:	
Atty. Docket No.: 13871US	:	
For: AROMA DISPENSING DEVICE	:	

This decision is in response to applicant's "Petition on Behalf of Joint Inventor Who Refuses to Sign or Cannot be Reached (Rule 1.47)" filed 14 April 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 December 2003, applicant filed international application PCT/GB03/05556 which claimed priority to an earlier application filed 18 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 July 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2005.

On 17 June 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 December 2005, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 April 2006, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventor Alastair Bruce Pirrie accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. With the filing of the extension of time petition and payment of the extension of time fee the response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 18 December 2003 under 35 U.S.C. 363, and will be given a date of **14 April 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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